

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
November 28, 2001**

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Cert. of Apprec./Several Establishments, Contributing to the Beautification of the City. 1
- PA2 Cert. of Apprec./Publix Super Markets, Inc., Donating Candles for the September 23rd Vigil.
- PA3 Cert. of Apprec./R. King & L. Rivera-Cripps, "At Your Service Awards" for August & September.
- PA4 Cert. of Apprec./B. Klepach, Donating Two K-9 Dogs to the Miami Beach Police Department.
- PA5 **New Item:** Proclamation/American Heroes, Honored by Nautilus Middle School. (Dermer)
- C2A BA 52-00/01, Convention Center Fire Sprinkler System Renovation (Phase II), \$168,000. 3
- C2B BA 46-00/01, Pressure Clean/Stucco Repair & Painting of Fleet Mgmt Bldgs., \$47,450. 5

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- C6D Report: Finance & Citywide Projects Committee Meeting of October 10, 2001. 19

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REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for September 30, 2001. 1
 3A **Joint**, Declare Emergency, S. Pointe Streetscape Improvements-Phase I Const. Project. **5/7** 3
 3B **Joint**, Set Dates for the Year 2002 RDA Meetings. 13

Call to Order - 9:25:27 a.m.

Inspirational Message given by Rabbi Turk of the Beth Israel Congregation.

Pledge of Allegiance led by Chief DeLucca.

Commissioner Cruz absent the entire meeting.

PA - Presentations and Awards

- PA1 Certificates Of Appreciation To Be Presented To The Lucerne Hotel, The Abbey Hotel, The Shore Club, The Regal Executive Center, And The Fontainebleau Hilton, In Recognition By The Miami Beach Beautification Committee, For Their Efforts In Contributing Significantly To The Beautification Of The City And Its Citizens.

(Miami Beach Beautification Committee)

ACTION: Certificates of Appreciation presented.

Kevin Smith, Parks & Recreation Director, recognized the Beautification Committee members for their hard work.

- PA2 Certificate Of Appreciation To Be Presented To Publix Super Markets, Inc., For Donating 1,000 Candles For A Vigil Held On September 23, 2001, Which Helped People Gather And Mourn Our Nations Loss And Celebrate Our Unity.

(City Manager's Office)

ACTION: Certificate of Appreciation presented.

- PA3 Certificates Of Appreciation To Be Presented To Robert King, Finance Department And Lyssette Rivera-Cripps, Community Development, In Recognition Of The "At Your Service Award" For The Months Of August And September 2001.

(City Manager's Office)

ACTION: Certificates of Appreciation presented.

- PA4 Certificate Of Appreciation To Be Presented To Mr. Bernard Klepach, For Donating Two (2) K-9 Dogs To The Miami Beach Police Department.

(Police Department)

ACTION: Certificate of Appreciation presented.

New Item: Proclamation/American Heroes. Honored by Nautilus Middle School.
(Mayor Dermer)

ACTION: Proclamation presented.

Proclamation wording: "We, the students of Nautilus Middle School, would like to thank all of the brave and courageous Firefighters, Police Officers, Emergency Medical Team Personnel, and Search and Rescue Team Members, who, day after day, serve and protect our community, our city, our school, our homes, our families, and our lives. We truly appreciate you...our American Heroes..."

Handout:

1. Color photos of the board and resolution given to the City of Miami Beach

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 6 0; Absent: Commissioner Cruz.

C2 - Competitive Bid Reports

- C2A Request for Approval to Award a Contract to Fire Pak, Inc., in the Amount of \$168,000, Pursuant to Bid No. 52-00/01 for the Miami Beach Convention Center West Wrap Fire Sprinkler System Renovation (Phase II).
(Cultural & Tourism Development)

ACTION: Contract awarded. Doug Tober to handle.

- C2B Request For Approval To Award A Contract To The Painter, Inc., In The Amount Of \$47,450, Pursuant To Bid No. 46-00/01 For Pressure Clean, Plastering, Major Stucco Repair And Painting Of Fleet Management Buildings 1 And 2.
(Public Works)

ACTION: Contract awarded. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Land Use And Development Committee - Communication Tower Siting.
(City Attorney's Office)

ACTION: Referred. Jorge Gomez to place on the agenda.

C6 - Commission Committee Reports

C6A Report Of The Community Affairs Committee Meeting Of September 25, 2001: **1)** Discussion Regarding Honoring Former Mayor Mel Richard; **2)** Discussion Regarding Volume Services America Scholarship Funds; **3)** Discussion Regarding Legislation Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **4)** Discussion Regarding The Creation Of A Public Safety Committee; **5)** Discussion Regarding Honoring Regina And Bernard Firestone; **6)** Discussion Regarding Amending The City Charter To Repeal Election Or Commission Candidates By Individual Groups And Substitute With A Pool Of Candidates; **7)** Discussion Regarding Amending The City Charter To Increase The Mayoral Office Term Limits; **8)** Discussion Regarding Airing The Mayoral Debate On Local Government Access Channel 20; **9)** Discussion Regarding Allowing Reserve Officers To Be Honored Upon Retirement.

ACTION: Item not reached on October 17, 2001. **Written report submitted.**

1. The Committee voted unanimously to have Dennis Richard meet with representatives from the City Administration and Robert A.M. Stern's office to discuss placement of plaque in the Collins Park Cultural Campus. **Christina Cuervo to handle.**
2. Deferred.
3. Deferred. Robert Meyers, Miami-Dade Ethics Commission will bring a proposal for the next meeting.
4. The Committee voted unanimously for the Administration and Commissioner Garcia to convene a meeting with other cities and counties to find out what steps to take in order to have a comprehensive approach to an emergency or disaster. **Bob Middaugh to handle.**
5. The Committee voted unanimously to have the Administration find a suitable location in Fisher Park for a memorial to honor the Firestone family. The Committee referred this matter to the Art in Public Places Committee for recommendation on location and plaque. **James Quinlan to handle.**
6. Deferred.
7. Deferred.
8. The Committee recommended arranging a forum where each candidate will be given up to five (5) minutes of airtime. The forum will be aired on Channel 20. The forum will be held in the Commission Chamber and will be advertised for the public. The forum is not a question and answer session or a debate. See Commission Agenda October 17, 2001, item C7C. **Completed.**
9. The Committee voted unanimously for the City to fund the purchase of guns used by the Reserve Officers upon their retirement in order to give them their guns in commemoration for their 15-years of service to the City. A legal opinion was requested to determine if the City could fund the purchase of the guns used by the Reserve Officer upon their retirement and confirmation by the FOP. Pending. Chief Don DeLucca, Ben Novack and the FOP are to develop a recommendation on commemorating the Reserve Officer on the Police Station Wall.

City Clerk's Note: Mel Richard not Richards

- C6B Report Of The General Obligation Bond Oversight Committee Meeting Of October 8, 2001: **1)** Projects Status Reports: South Shore Community Center, Espanola Way Streetscape, And Sunset Islands I And II Street Entrance Enhancement; **2)** Recommendation To Appropriate Funds: Highway Beautification Council Grant For Alton Road Corridor Enhancement Project; And **3)** Informational Items: Star, Palm And Hibiscus Islands Community Design Workshop No. 1, And Calendar Of Scheduled Community Design Workshops.

ACTION: Item not reached on October 17, 2001. **Written report submitted.**

1. Status report.
2. Committee recommended that \$35,000 be appropriated for the General Obligation Bond Series 2000 for landscaping construction drawings for the Alton Road Traffic Calming project for purposes of applying for a grant from the Florida Highway Beautification Council, and appropriate \$250,000 from the GO Bond funds as a local match if the grant is awarded. See 10/17/2001 Commission Agenda item C7L.
3. Informational item.

- C6C Report Of The Land Use And Development Committee Meeting Of October 8, 2001: **1)** Discussion Regarding Pump Stations Throughout The City; **2)** Street Performers And Art Vendors Ordinance; And **3)** Discussion Regarding The Removal And/Or Relocation Of Full Canopy Trees Throughout The City.

ACTION: Written report submitted.

1. A motion was made approving (1) the Administration's intent to develop a landscape plan subject to the Committee's review and (2) the Administration's intent to attempt to develop timetables for completion as part of an upcoming negotiation on contract issues with the contractor. **Bob Middaugh to handle.**
2. A motion was made to amend the fee structure so an applicant would pay a common, reduced application fee of \$15 and an additional \$35 for any vendors actually selected in the lottery. This payment would be on a quarterly basis. The fee for group performers would be treated as one fee. A motion was also made to amend the hours of operation to treat non-profit vendors the same as profit vendors. Commissioner Garcia requested that the current hours of operation be reviewed. **Bob Middaugh to handle.**
3. A motion was made to have the Administration obtain documentation and recommendations on obtaining DERM's release of jurisdiction regarding the removal and replacement of trees on private property. **Bob Middaugh to handle.**

- C6D Report Of The Finance And Citywide Projects Committee Meeting Of October 10, 2001: **1)** The Advancing Of \$50,000 To North Beach Development Corporation, From The North Beach Portion Of Quality Of Life/Resort Tax Funds For Fiscal Year 1999/2000, Which Were Previously Appropriated In Resolution 2001-24396.

ACTION: Written report submitted.

1. The Committee approved the item and recommended that it be forwarded to the full Commission for approval. **Patricia Walker to handle.**

City Clerk's note: See item C7F.

C7 - Resolutions

9:48:59 a.m.

- C7A A Resolution Setting A Public Hearing For December 19, 2001, To Approve On First Reading, A Development Agreement, In Accordance With The Requirements Of The Florida Local Government Development Agreement Act, Between The City Of Miami Beach And The Related Group Of Florida, And/Or Its Assigns, For Development Of The 3.87 Acre Site Located At 72nd Street Located Between Collins And Harding Avenues, From 72nd Street To 73rd Street..

(City Manager's Office)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager. Motion made by Vice-Mayor Smith to schedule a Commission Workshop; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to coordinate the Workshop.

Jorge Gonzalez, City Manager, stated that as a result of the community meeting on Monday, November 26, the Administration did not feel comfortable setting a first reading public hearing on the Development Agreement. He stated that the Administration needs further direction from the City Commission.

Handouts:

1. Three-color renderings.

City Clerk's Note: See Supplemental Materials. Cross reference Oceanparc @ North Beach.

- C7B A Resolution Retroactively Approving And Authorizing The Placement Of Eleven (11) Banners For Vogue Takes Miami, To Be Held December 4, 2001 To December 9, 2001, As Requested By The Applicant At The Following Locations: Collins Avenue, Between 16th Street And Lincoln Road; Collins Avenue, Between 13th Street And 14th Street; And Collins Avenue, Between 12th Street And 13th Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than November 19, 2001, And Removed By December 12, 2001.

(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24668 adopted. James Quinlan to handle.

- C7C A Resolution Approving And Authorizing The Placement Of Two (2) Banners For The Bass Museum's Liza Lou II Exhibit, To Be Held On December 13, 2001, As Requested By The Applicant At The Following Location: Park Avenue, Between 21st And 22nd Street; Said Banners To Be Affixed To Light Poles In The Public Right-Of-Way, Measuring 3 Feet X 7 Feet And Having Copy And Design As Shown On The Attached Drawings; To Be Installed And Removed In Accordance With All Other Applicable City Requirements; The Administration Further Recommends That These Banners Be Installed No Earlier Than December 10, 2001, And Removed By December 15, 2001.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24669 adopted. James Quinlan to handle.

- C7D A Resolution Approving The Selection Of A Public Art Commission For The North Shore Park Youth Center, As Recommended By The Art In Public Places Committee; Approving The Issuance Of An Agreement With The Artist Connie Lloveras; And Appropriating And Transferring Funds, In An Amount Of Up To \$76,000, At The Time Of Award Of The Construction Contract, For The Youth Center Project, From The Parks Bond Funds And The General Obligation Bond Program Funds, To The Art In Public Places Fund No. 147.
(Cultural Affairs & Tourism Development)

ACTION: Resolution No. 2001-24670 adopted. Patricia Walker to appropriate and transfer the funds. James Quinlan to handle.

Handout:

1. Color photos of the art work

- C7E A Resolution Approving And Adopting Amendments To The Amended And Restated Rules And Regulations For Beachfront Concession Operations That Include Changes To The Watersport Provisions, Establishment Of Beach Chair And Equipment Deployment Provisions, And Approving Design Guidelines For Concession Facilities And Equipment.
(Economic Development)
(Deferred From October 17, 2001)
(Resolution To Be Submitted)

ACTION: Deferred. Christina Cuervo and Joe Damien to handle.

- C7F A Resolution Authorizing The City Manager To Advance \$50,000 To North Beach Development Corporation, From The North Beach Portion Of Quality Of Life/Resort Tax Funds For Fiscal Year 1999/2000, Which Were Previously Appropriated In Resolution 2001-24396, Said Funds For The Purpose Of Supporting Tourist Related Initiatives In The North Beach Area.
(Finance Department)

ACTION: Resolution No. 2001-24671 adopted. Patricia Walker to handle.

City Clerk's note: See item C6D.

- C7G A Resolution Authorizing The Administration To Issue A Request For Proposals For The Provision Of Various Banking Services To The City Of Miami Beach.
(Finance Department)

ACTION: Resolution No. 2001-24672 adopted. Gus Lopez to handle.

- C7H A Resolution Authorizing The Appointment Of Raymond Adrian For The Elderly Affairs Seat To The Jobs And Education Partnership (JEP) Regional Board.
(Human Resources)

ACTION: Resolution No. 2001-24673 adopted. T. C. Adderly to handle.

- C7I A Resolution Accepting The Donation Of Two K-9 Dogs, Valued At Approximately \$8,500 Each, For A Total Estimated Value Of \$17,000, From Bernard Klepach, For Use By The Miami Beach Police Department.
(Police Department)

ACTION: Resolution No. 2001-24674 adopted. Chief DeLucca to handle.

- C7J A Resolution Setting A Public Hearing On December 19, 2001, To Consider An Amendment To The Revocable Permit Issued To Roger J. Schindler And Leslie Schindler For The Construction Of A Wrought Iron Fence And Automatic Gate In West 59th Street And North Bay Road, Adjacent To Their Property Located At 5860 North Bay Road.
(Public Works)

ACTION: Resolution No. 2001-24675 adopted. Public hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

- C7K A Resolution Setting A Public Hearing On December 19, 2001, To Consider A Revocable Permit Request By Goldwater Realty VII, Inc., Owner Of Property At 1766 Bay Road, For The Construction Of A Handicap Ramp, Concrete Steps, Walkway And Railings On The Adjacent City Right-Of-Way.
(Public Works)

ACTION: Resolution No. 2001-24676 adopted. Public hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Fred Beckmann to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****10:52:38 a.m.**

- R5A An Ordinance Amending Ordinance No. 1335, The Classified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave Contingent Upon Collective Bargaining And Approval By The Bargaining Units Prior To Implementation For Employees In Classifications Governed By Union Contracts To The Extent Such Approval Is Necessary; Providing For A Repealer, Severability, Codification And An Effective Date. **10:30 A.M. Second Reading, Public Hearing.**

(Human Resources)
(First Reading On October 17, 2001)

ACTION: Public hearing open and continued to December 19, 2001 at 11:15 a.m. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the agenda. Mary Greenwood to handle.

Jack Richardson, President of the Fire Fighters Union, stated that he was concerned with the Manager's analysis. There is a problem with the idea that the "must use" time is being eliminated. The contract effective language states that effective January 1, 2002, the "must use" cap on vacation accruals will be raised to 360 hours. That still maintains the concept of "must use" time. Jorge Gonzalez, City Manager, stated that he has not heard of this until just now and encouraged the Commission to defer the item.

10:57:10 a.m.

- R5B An Ordinance Amending Ordinance No. 1613, The Unclassified Employees' Leave Ordinance, By Amending The Provisions For Accumulation And Payment Of Annual And Sick Leave; Providing For A Repealer, Severability, Codification And An Effective Date. **10:35 A.M. Second Reading, Public Hearing**

(Human Resources)
(First Reading On October 17, 2001)

ACTION: Public Hearing open and continued to December 19, 2001 at 11:20 a.m. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Lilia Cardillo to place on the agenda. Mary Greenwood to handle.

10:58:06 a.m.

- R5C An Ordinance Amending Chapter 2 Entitled "Administration;" By Amending Article III Entitled "Agencies, Boards And Committees;" By Amending Division 7 Entitled "Production Industry Council", By Amending The Composition Of The Council By Deleting The Representatives From The Miami-Dade Office Of Film, Television And Print And The City's Film, Television And Print Office As Non-Voting, Ex-Officio Members; Providing For Repealer; Providing For Severability; Providing For Codification; And Providing For Effective Date. **10:40 A.M. Second Reading, Public Hearing.**
(Economic Development)
(First Reading On October 17, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3332 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. R. Parcher to update the Boards and Committee information. Christina Cuervo to handle.

10:59:13 a.m.

- R5D An Ordinance Amending Various Sections Of The City Code, Including The Land Development Regulations, Concerning Art In Public Places, And Involvement In The Selection Of Public Art By The Design Review And The Historic Preservation Boards; Amending Chapter 82, Article VII, Art In Public Places, Division 1, Section 82-537, Definitions, To Add Up To Two Members Of The Design Review Or Historic Preservation Boards To The Professional Advisory Committee, Depending Upon The Location Of The Project And The Respective Board's Jurisdiction; Amending Section 82-612 To Provide That In The Absence Of A Professional Advisory Committee, That The Designated Design Review Or Historic Preservation Board Members Shall Advise The Art In Public Places Committee, And Providing Procedures For Art Project Review By The Design Review Board Or Historic Preservation Board; Amending Sections 118-71(2) And 118-102(3) To Provide That The Jurisdiction Of The Design Review And Historic Preservation Boards Shall Be Advisory To The City Commission On The Selection Of Works Of Art, Except That Such Boards May Impose Binding Criteria In Certain Matters As Specified; Providing For Cross-Referencing Of The Provisions In Chapter 82; Providing For Repealer, Codification, Severability, And An Effective Date. **10:45 A.M. Second Reading, Public Hearing**
(Cultural Affairs & Tourism Development)
(First Reading, Public Hearing On October 17, 2001)

ACTION: Public Hearing held. Ordinance Number 2001-3333 adopted as amended. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit to Municipal Code Corporation. James Quinlan to handle.

Amendment:

Gary Held, Assistant City Attorney, requested to remove the words "adoption or" in 82-612(g), line 5: (...work, and second, prior to ~~adoption or~~ submittal....")

Ms. Elizabeth Donnelly asked what is happening with the "Roach" on Lincoln Road. Mayor Dermer stated that a report will be given to her on the "Roach." **James Quinlan to handle.**

11:04:55 a.m.

R5E An Ordinance Establishing A Temporary Moratorium On The Issuance Of Demolition Permits For Single Family Homes Constructed Through 1950 And Located Outside A Designated Historic District, Except Following The Issuance Of A Certificate Of Appropriateness; Providing Interim Procedures For The Review And Approval By The Historic Preservation Board Or Staff, Where Appropriate, Of Applications For Certificates Of Appropriateness For The Demolition Of Such Homes; Providing That The Moratorium Shall Automatically Dissolve Upon The Earlier Of June 8, 2002, Or Upon The Adoption Of Amendments To The Miami Beach City Code Relating To The Demolition Of Single Family Homes; Providing For Severability And An Effective Date. **10:50 A.M. Second Reading, Public Hearing**

(Planning Department)
(First Reading On October 17, 2001)

ACTION: Public Hearing open and continued to December 19, 2001, at 2:00 p.m. and referred to the Land Use and Development Committee. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent Commissioner Cruz. Jorge Gomez to place on the committee agenda. Lilia Cardillo to place on the Commission agenda.

Presentation made by Jorge Gomez, Planning Director and William Cary, Historic Preservation Assistant Director.

Motion made by Commissioner Bower to approve the ordinance but only for Priority 1 Area; seconded by Vice-Mayor Smith.

Amendment #1:

Vice-Mayor Smith requested that the Administration report back at every Commission Meeting with problems related to the enforcement of the ordinance, any issues that come up during the course of the moratorium, and to advise if revisions are needed. Commissioner Bower accepted the amendment.

Amendment #2.

Commissioner Bower stated that the public needs to be informed of the requirements of the ordinance and informational workshops need to be scheduled.

Amendment #3.

Commissioner Gross stated that on the sooner of 6 months, or when the list of historical homes has been identified for the current area, designate them and exclude the restriction on the non-historical homes. A new area would be selected and a list of homes identified.

Amendment #4.

a) Commissioner Gross requested the following amendment: (b)(iii), "....historic documentation, ~~provided the degree of demolition proposed is not substantial or significant and does not~~"
b) If the changes (substantial demolition) do not affect the character of the of the house because they are not architecturally significant components of the house, don't make Board approval a requirement. Let the staff make the approval or denial. Commissioner Bower accepted the amendment.

Amendment # 5.

Commissioner Gross: Pre-1950's homes which are not considered to be architecturally significant, should not be designated just because they are pre-1950 homes. Staff approval should be allowed versus sending to the board. Staff must be able to readily determine that the house is not architecturally significant. Commissioner Bower accepted the amendment.

Gary Held, Assistant City Attorney, stated that there is zoning-in-progress, and suggested that this

public hearing be continued and referred to the Land Use and Development Committee to work out the specific ordinance language.

Commissioner Bower withdrew her original motion.

Amendment # 6.

Commissioner Gross stated that secondary façades need to have more latitude.

Amendment # 7.

Commissioner Garcia:

- a) Reduce timeframe from six months to three months
- b) Change pre-1950 eligible homes from 1950 to 1940 homes.

Commissioner Steinberg, asked why the survey needs the entire City, rather than investigating at the time when someone requests to demolish a home. Jorge Gonzalez stated that this would probably delay the individual in an inappropriate manner. Commissioner Gross added that this would create uncertainty in the housing market by not knowing if a house is architecturally significant. Commissioner Steinberg stated that rules certainly would need to be put into place.

Handouts:

1. Color map and color photographs submitted by William Cary.
2. The New York Times article titled "Miami Condo Buyers Chill Out, dated November 8, 2001. Submitted by Mr. Jeffrey Bercow.
3. Speakers list
4. Hand written to the City Manager, Mayor and City Commissioners from Marcia Green

3:14:34 p.m.

R5F An Ordinance Establishing A Temporary Moratorium On The Enforcement Of Certain Regulations Pertaining To The Operation Of Parking Lots On Ocean Drive To Allow Parking Lots To Operate As Provisional Parking Lots And Under The Same Conditions Provided Under A Conditional Use Permit If Said Lots Operated, At Any Time From January 1, 1999 To The Present, As A Permitted Provisional Lot With Conditional Use Approval; The Moratorium Shall Automatically Dissolve Upon The Earlier Of May 1, 2002 Or Upon The Adoption Of Amendments To The Miami Beach City Code Relating To Parking Lots On Ocean Drive. **2:30 p.m. First Reading, Public Hearing**
(City Manager's Office)

ACTION: Public Hearing held. Ordinance approved on first reading. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

Handout:

1. Interoffice Memorandum from Jorge Gonzalez, City Manager, to Commissioner Gross dated November 28, 2001, with copies to the Mayor and City Commission.

- R5G An Ordinance Establishing Procedures For Resolving Protested Invitation For Bids (BIDS), Request For Proposals (RFPS), Request For Qualifications (RFQS), Request For Letters Of Interest (RFLIS), And Proposed Contract Awards, By Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration", By Amending Article VI Thereof Entitled "Procurement", By Creating Section 2-371 Entitled "Authority To Resolve Protested Bids And Proposed Awards"; Providing For Severability; Providing For Codification; And Providing For An Effective Date. **First Reading.**
(Requested By Commissioner Jose Smith)

ACTION: Withdrawn. Mayra Diaz Buttacavoli to handle.

9:57:44 a.m.

- R5H An Ordinance Amending Miami Beach City Code Chapter 2 "Administration", Division 2 Thereof By Creating Section 2-460 Entitled "Continuing Application For Two Years After City Service"; Providing For Repealer, Severability, Codification, And Effective Date. **First Reading.**
(Requested By Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. City Attorney's Office to handle.

Commissioner Steinberg stated that the ordinance needs to be strengthened and will work with Legal. Mayra Diaz Buttacavoli to handle.

10:10:46 a.m.

- R5I An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration", By Amending Article III Thereof Entitled "Agencies, Boards, And Committees"; By Amending Division 18 Entitled "Community Relations Board"; By Amending Section 2-190.14 Entitled "Composition" By Amending The Membership Of The Board To Include Four Additional Voting Members; Providing For Repealer; Codification; Severability, And An Effective Date. **First Reading.**
(City Manager's Office)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Christina Cuervo to handle.

Commissioner Bower commended the Board for their hard work.

Murray Dubbin, City Attorney, stated that on second reading the ordinance will have an amendment waiving residency requirement for the Miami-Dade County Relations Board members.

3:23:31 p.m.

- R5J An Ordinance Amending Miami Beach City Code Special Related Acts, Article IX, Entitled "City Pension Fund For Firefighters And Police Officers In The City Of Miami Beach", Section 62 Thereof Entitled "Definitions" To Provide A Definition Of "Domestic Partner", Amending Section 65 Thereof Entitled "Computation Of Creditable Service" By Creating A Subsection (d) For Purchase Of Additional Creditable Service For Previous Law Enforcement Experience, Amending Section 66 Thereof Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments" By Creating A Subsection (j) For Purchase Of Up To An Additional Six Percent (6%) Benefit Multiplier, Amending Sections 68, 69, 70 (a), And 85 Thereof To Designate Domestic Partners As Potential Recipients Of Survivor Benefits Under The Pension Plan; Providing A Repealer Clause; Providing A Severability Clause; Codification; Providing An Effective Date. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Garcia; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Mary Greenwood to handle.

3:20:16 p.m.

- R5K An Ordinance Amending Miami Beach City Code Chapter 78, Article II Thereof, Entitled "Employees' Benefit Plan", Section 78-31 Thereof Entitled "Definitions" By Defining "Domestic Partner", Amending Section 78-34 Entitled "Agreements Of Members" To Permit Domestic Partners And Their Children To Obtain Health Benefits, Amending Sections 78-81 Entitled "Group Health Insurance", Subsection (e) And 78-82 Entitled "Health Maintenance Organizations (HMO)" Subsection (e) To Include Domestic Partners For Inclusion Within These Sections; Providing For A Repealer; Severability; Codification; And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Mary Greenwood to handle.

3:21:36 p.m.

- R5L An Ordinance Amending Miami Beach City Code Chapter 62, Article III, Entitled "Domestic Partnership", Section 62-128 Thereof Entitled "Employee Benefits" To Provide Health Insurance Benefits To City Of Miami Beach Employees' For Their Domestic Partners; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading.**
(Human Resources)

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Mary Greenwood to handle.

3:22:21 p.m.

R5M An Ordinance Amending Chapter 14 Of The Miami Beach City Code By Amending Division 2 Thereof Entitled "Permit Fees", By Amending Section 14-65 Thereof Entitled "Mechanical Permits", By Amending Appendix A To Section 14-65 Entitled "Fee Schedule" To Provide For Fees For The Witnessing Of Periodic Inspections And Acceptance Tests By An Elevator Inspector Employed By The City Of Miami Beach Once Every Year And Once Every 5 Years; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Building Department).

ACTION: Discussion held. **Ordinance approved on first reading.** Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Ballot vote: 6-0; Absent Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Phil Azan to handle.

3:26:01 p.m.

R5N An Ordinance Amending Chapter 2 Of The Code Of The City Of Miami Beach Entitled "Administration", By Amending Article VI Thereof Entitled "Procurement", By Amending Division 3 Entitled "Contract Procedures", By Amending Section 2-369; Said Amendment Allowing The City Manager Authority To Approve Purchases Of Goods And Services Under Contracts Awarded By Other Municipalities In The State; Providing For Repealer, Severability, And An Effective Date.
First Reading.

(Procurement)

ACTION: Discussion held. **Ordinance approved on first reading as amended.** Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Ballot vote: 5-1; Opposed: Commissioner Steinberg; Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for December 19, 2001. R. Parcher to notice. Lilia Cardillo to place on the agenda. Gus Lopez and Mayra Diaz Buttacavoli to handle.

Commissioner Bower stated she is concerned with the definition of "services." Legal Department will clarify the definition of "services."

Amendments:

Sec 2-369. Award of contract.

All contracts, when the sum is \$10,000 or less, shall be awarded by the procurement director to the lowest and best bidder. All contracts when the sum is in excess of \$10,000 and not exceeding \$25,000 shall be awarded by the city manager, or his designee, to the lowest and best bidder. When the amount of a contract for goods, contractual services, and equipment is in excess of \$25,000, the city commission shall award the contract to the lowest and best bidder, or may delegate to the city manager the power to award such contract to the lowest and best bidder; however, the purchase of commodities, materials, supplies, equipment or ~~other items~~ contractual services on a continuing basis from Metropolitan that have been competitively bid by Miami-Dade County or by other municipalities in the state, or from state or federal general services administration bid lists, or municipalities in the state, may be approved by the city manager without any action by the city commission, even though the total cost of such commodities, materials, supplies, or ~~other items~~ contractual services may exceed \$25,000 ~~over a one-year period.~~

Handout:

1. Memorandum from Murray H. Dubbin, City Attorney, to Mayor and City Commission, dated November 27, 2001, RE: Amendment to Procurement Ordinance.

R6 - Commission Committee Reports**3:51:00 p.m.**

R6A Verbal Report Of The Community Affairs Committee Meeting Of November 20, 2001: **1)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Adding Section 2-460 Entitled "Certain Relationships Of City Commission Members Prohibited", By Prohibiting Members Of The City Commission From Either Directly Or Indirectly Appearing, Representing, Contracting With Or Action On Behalf Of A Third Person With Respect To Any Matter Coming Before The City Commission; **2)** Renaming 44th Street And Adjoining Roadway, "Morris Lapidus Boulevard"; **3)** Update On Discussion Regarding Honoring Former Mayor Mel Richard; **4)** Discussion Regarding Legislation Prohibiting Anyone Involved In Election Campaign From Soliciting Contracts From The City Commission, Prohibiting "Undisclosed Bundling" Of Campaign Contribution Checks, And The Open Disclosure Of Fees Paid To Lobbyists Registered In The City Of Miami Beach; **5)** Discussion Regarding Amending The City Charter To Repeal Election Or Commission Candidates By Individual Groups And Substitute With A Pool Of Candidates; **6)** Discussion Regarding Amending The City Charter To Increase The Mayoral Office Term Limits; And **7)** Discussion Regarding Allowing Reserve Officers To Be Honored Upon Retirement.

ACTION: Verbal report given by Commissioner Bower.

Vice-Mayor Smith clarified that Item #1 was initiated by him and that the item was approved by the Community Affairs Committee and not deferred as the minutes indicate.

Motion made by Commissioner Bower to accept the report as amended; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Cruz.

- 1) Approved. **Legal Department to handle.** (Per Jean Olin, the Ordinance will be placed on the January Commission Agenda.)
- 2) Item deleted. City Code does not allow renaming the street.
- 3) The Committee referred the item to Art in Public Places for recommendation on placement and design, recommendation will then be referred to City Commission for approval. **James Quinlan to handle.**
- 4) Item deferred to December, pending proposal from Miami-Dade Ethics Commission.
- 5) Item deleted.
- 6) Item deleted.
- 7) The Committee approves reserve officers receiving award of their gun after completing their service. **Chief DeLucca to handle.**

Handout:

1. Written report of the Community Affairs Committee Meeting of November 20, 2001

R7 – Resolutions**3:40:03 p.m.**

R7A A Resolution Waiving By 5/7ths Vote, Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager Or His Designee To Select, Negotiate, And Award All Contracts, Agreements, Purchase Orders, And Change Orders For The Purchase Of All Necessary Goods And Services (Construction And Professional) Relative To The South Shore Community Center Renovation Project; The Renovation Of The Byron-Carlyle; And The 555-17th Street Project; Providing That All Documents Be Reviewed By The Appropriate Members Of The Administration And City Attorney's Office, And Shall Contain Those Minimum Terms And Conditions As Set Forth In This Resolution; And Further Authorizing The Mayor And City Clerk To Execute Any And All Agreements Relative To The Aforestated Projects.

(Procurement)

ACTION: Resolution No. 2001-24677 adopted as amended (See substituted Resolution). Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Gus Lopez and Fred Beckmann to handle.

City Clerk's Notes: Use revised version of the Resolution.

10:14:23 a.m.

R7B A Resolution Waiving By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving A Concession Agreement By And Between The City Of Miami Beach And Penrod Brothers, Inc., For The Management And Operation Of Beachfront Concessions On The Beaches Seaward Of Pier Park, Miami Beach, Florida, The Term Of Which Shall Be On A Month-To-Month Basis, And Terminable Without Cause And For Convenience, With Thirty (30) Days Written Notice, At The City's Discretion; Further Authorizing The Administration And The City Attorney's Office To Negotiate Said Concession Agreement With Penrod Brothers And Authorizing The Mayor And City Clerk To Execute Same; Said Concession Agreement, In Addition To Being Terminable For Convenience, At The City's Discretion, To Include The Following Terms And Conditions: Concessionaire Shall Acknowledge And Agree To Be Bound By The City's Rules And Regulations For Beachfront Concession Operations, As Amended; Concessionaire Shall Obtain Any And All Necessary Licenses And Permits Required For Its Concession Operations; Concessionaire To Pay City Annually The Greater Of \$10,000, Or 20% Of The Gross Revenues It Derives For The Privilege Of Operating The Concession; And Concessionaire To Comply With The City's Insurance And Indemnification Requirements.

(Economic Development)

ACTION: Resolution No. 2001-24678 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo and Joe Damien to handle.

10:36:06 a.m.

R7C A Resolution Finding And Declaring That An Emergency Situation Exists With Respect To The South Pointe Streetscape Improvements - Phase I Construction (Project), And Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirements With Respect To Prosecuting The Remaining Work To Diligently Complete The Project; Finding Such Waiver To Be In The Best Interest Of The City; Ratifying The Action Of The Miami Beach Redevelopment Agency (RDA), Authorizing The City Manager, Acting As The Executive Director Of The RDA, To Select, Negotiate, And Award Any And All Contracts, Purchase Orders And Change Orders, As Necessary, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Completion Of The Remaining Work On The Project; Further Ratifying The Actions Of The Chairman And Members Of The RDA Authorizing The Chairman And Secretary To Execute All Contracts, Purchase Orders, And Change Orders, As Necessary, Pursuant To The Recommendation Of The Executive Director, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Prosecution Of The Remaining Work On The Project; Provided That Such Contracts, Purchase Orders, Change Orders, And Any Other Documents, Shall Be Substantially In Accordance With The Terms And Conditions Of The Current Construction Contract With ACI (Contractor) And Shall Not Exceed The Current Amount Appropriated By The RDA For The Aforestated Project, Without Further Approval Of The Chairman And Members Of The RDA, And Ratification By The Mayor And City Commission. **Joint City Commission And Redevelopment Agency.**

(Capital Improvement Projects)

ACTION: Item heard in conjunction with Item RDA 3A. Resolution No. 2001-24679 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

10:52:03 a.m.

R7D A Resolution Setting The Dates For The Year 2002 City Commission Meetings. **Joint City Commission And Redevelopment Agency.**
(City Clerk's Office)

ACTION: Item heard in conjunction with Item RDA 3B. Resolution No. 2001-24680 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to handle.

Amendment:

Change the 2002 Commission meetings of May 1 to May 8; the meeting of May 22 to May 29, June 12 to June 19.

City Clerk's Note:

The schedule for 2002 City Commission Meetings is as follows: January 9, January 30, February 20, March 20, April 10, May 8, May 29, June 19, July 10, July 31; **August City Commission in Recess – NO MEETINGS;** September 11, September 25, October 23, November 13 and December 11.

R9 - New Business and Commission Requests**3:58:45 p.m.**

R9A Board and Committee Appointments.

(City Clerk's Office)

Police Citizens Relations Committee:

Rachel Umlas	term expires 12/31/2003	appointed by Commissioner Garcia
Sidney Goldin	term expires 12/31/2003	appointed by Commissioner Bower
Barry Stein	term expires 12/31/2002	appointed by Commissioner Smith

Beautification Committee:

Faye Goldin	term expires 12/31/2003	appointed by Commissioner Garcia
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Barrier Free Environment Committee

Lee Weiss	term expires 12/31/2002	appointed by Commissioner Bower
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Convention Center Advisory Board

Joe Fontana	term expires 12/31/2003	appointed by Commissioner Bower
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Committee on the Homeless

Michael Rosenbaum	term expires 12/31/2002	appointed by Commissioner Smith
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Safety Committee

Ben Brody	term expires 12/31/2003	appointed by Commissioner Bower
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Commissioner Bower suggested that nominations be made today and voted on at the next Commission meeting. By doing this, the Commission will have time to review the nominations and meet the applicants, if necessary. She suggested this should be a two step process; one nominating day and a separate voting day.

Mayor Dermer requested to defer this to the next meeting with a time certain so that everyone will be prepared.

Design Review Board Nominations:**Citizen at large:**

Commissioner Garcia nominated Gustavo de Dezendegui
Commissioner Steinberg nominated Rony Curvelo
Commissioner Gross nominated Carl Myers

Registered Landscape Architect

Commissioner Garcia nominated Emilio Fuster
Commissioner Steinberg nominated Manita Brug-Chmielenska

Referral. Motion made by Commissioner Garcia to refer to the Land Use and Development Committee the question of an ordinance change to the Design Review Board voting criteria (approval of items by a majority of the members present); seconded by Commissioner Bower; Voice vote: 6-0; Absent Commissioner Cruz. Jorge Gomez to place on the agenda.

Mayor Dermer requested a time certain at the December 19 Commission Meeting for Board and Committee appointments. **R. Parcher to schedule a time.**

Visitors and Convention Authority Nominations:

Leslie Siegel
Orlando Velazquez

3:49:24 p.m.

R9A1 Discussion Regarding Re-appointing Nancy Liebman To The Performing Arts Center Trust.
(Requested By Mayor David Dermer)

ACTION: Discussion held. Motion made by Commissioner Steinberg to re-appoint Nancy Liebman; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. R. Parcher to transmit appointment to the Trust.

Handout:

1. Letter of Transmittal sent December 4, 2001.

3:50:07 p.m.

R9A2 Discussion Regarding The Appointment Of Commissioner Jose Smith To The Metropolitan Planning Organization (MPO).

(Requested By Mayor David Dermer)

ACTION: Discussion held. Resolution No. 2001-24681 adopted. Motion made by Commissioner Bower to appoint Vice-Mayor Jose Smith to The Metropolitan Planning Organization (MPO); seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Joseph Johnson to handle.

3:08:01 p.m.

R9B(1) Dr. Stanley Sutnick Citizen's Forum.(1:30 p.m.)

James Valentine: Spoke on the status of the Victory Garden located on the east side of Washington Ave. between 1st and 2nd street. He heard that the City is putting a parking lot there. The place was deteriorated; now they have cleaned it up, fixed the drain system, etc. The gardeners went in front of the Historic Preservation Board two weeks ago, and a resolution was passed to help the gardeners. He submitted a letter requesting that the City provide a dumpster and dumpster service, curbs to protect the garden, etc. He wants the Administration to keep the garden and to make sure that a parking lot will not be placed there. Mayor Dermer stated that the City Manager heard his request and will respond. Christina Cuervo to handle.

Handout:

1. Letter from James Valentine, signed by ten individuals, dated November 1, 2001, to the City of Miami Beach
2. Speakers list

Bea Kalstein stated that the City Commission meetings should be handled the same as town hall meetings. The more opinions expressed the better for everyone in the long run. She expressed her appreciation to Mayor Dermer, and told him she is watching him very carefully. She wished the Commission good luck in Hebrew.

5:23:07 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

Item heard. No speakers.

4:40:05 p.m.

R9C Discussion Regarding A Status Report On The Carillon Project.
(Requested By Commissioner Jose Smith)
(Deferred From October 17, 2001)

ACTION: Discussion held.

Vice-Mayor Smith requested an update on the Carillon Project because for several months he has seen very little activity, if any. Because this is considered a building site, he wants to make sure that the terms and conditions of the South Florida Building Code are being complied with in terms of the property being properly secured and properly kept.

Phil Azan, Building Department Director, explained that the property is in foreclosure and the current permit is stayed because of the foreclosure.

Vice-Mayor Smith inquired as to the status of the code violations at the building. Al Childress replied that all of the violations are in compliance.

Vice-Mayor Smith stated that he thought that a building site needed to be fenced in as a protective measure. Phil Azan stated that all entrances to the building need to be secured, but the South Florida Building Code does not specifically call for the site to be fenced.

Commissioner Garcia stated that there is broken glass hanging in the windows and a strong wind could knock them down, making the building unsafe.

Phil Azan stated that the Building Department will take another look at the property.

Vice-Mayor Smith asked Jorge Gomez that if any conditions were placed on the applicant when the Carillon went in front of the Board of Adjustment to get an extension. Jorge Gomez stated that there were a series of progress reports which the applicant was required to supply. Condition # 4 of the final order states that the applicant shall cleanup the property and report back to the Board of Adjustment on September 4, 1998. The condition concludes with the wording "that the subsequent reports on the condition of the property before and during construction of the subject property."

Jorge Gomez added that based on the above, the property could be scheduled for hearing before the Board of Adjustment, as a progress report to address some of the life safety issues. Jorge Gomez to place on the Boards agenda and prepare an LTC.

3:48:41 p.m.

R9D Discussion Regarding The Creation Of A Blue Ribbon Committee On Tourism.
(Requested By Mayor David Dermer)

ACTION: Discussion held. Mayor Dermer stated that a Blue Ribbon Panel will be created related to tourism and asked the Commission for suggestions. The panel will include individuals who will bring innovative ideas, which can be achievable at a local level.

R9E Discussion Regarding Allowing Miami Beach Chamber Of Commerce Employees To Purchase Parking Permits For The Preferred Lot At A 50% Discount.
(Requested By Commissioner Simon Cruz)

ACTION: Deferred. Lilia Cardillo to place on the December 19 agenda.

3:47:41 p.m.

R9F Discussion Regarding Setting Up A Date For A Commission Workshop On The New Homeless Initiative.
(Requested By Mayor David Dermer)

ACTION: Discussion held. The workshop will be held on January 7, 2002 at 2:00 p.m. R. Parcher to reserve the Commission Chambers and to notice. Vivian Guzman to handle.

R9G Discussion Regarding Haulover Park – Establishment Of A Commercial Marina.
(Requested By Mayor David Dermer)

ACTION: Item deferred.

R10 - City Attorney Reports**R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On November 28, 2001 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Issues Of The Following Case:

Gazit (Meridian) Inc., A Florida Corporation Vs. The City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 00-30164 CA 24.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge M. Gonzalez, Deputy City Attorney Robert Dixon, And First Assistant City Attorney Debora Turner.

ACTION: Announced and held.

5:19:22 p.m.

The seller of the Gazit property has agreed to an extension of closing time to January 30, 2002.

Motion made by Vice-Mayor Smith approving the amendment to the contract; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Cruz. Legal Department to handle.

Reports and Informational Items

5:19:48 a.m.

A City Attorney's Status Report.

(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

3:54:32 p.m.

- C Status Report On Fire Station No. 2 Rehabilitation And Building Addition.
(Capital Improvement Projects)

ACTION: Written report submitted.

Jorge Gonzalez, City Manager, gave a verbal report. He stated that there is a good construction manager at-risk on the project, and that an easement has been secured with the School Board to allow the City access to proceed with the full construction. STA has submitted 90% construction drawings for the existing facility and 50% construction drawings for the new facility. Eventually the Administration will bring a guaranteed maximum price agreement with Jasco Construction Company for approval.

Commissioner Garcia explained that the tower renovations look unsatisfactory. Certain areas of the building are rusty, and this needs to be addressed now. Jorge Gonzalez stated that he has already directed Property Management to re-inspect the building. Commissioner Garcia requested a report at the next commission meeting. Fred Beckmann to handle.

3:57:18 p.m.

- D Status Report On The General Obligation Bond Funded Project For The Rehabilitation Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

Jorge Gonzalez, City Manager, gave a verbal report. He stated that the Administration is working with Commissioner Garcia and the Fire Department to finalize the design. URS and M. C. Harry are working on finalizing a design that's workable and find the solution to preserve the building but also to build space behind the current facility. At this point it looks like it will be exclusively a fire station.

Commission Garcia stated that he hasn't received any information for the last five or six weeks. He expressed his desire to continue being involved.

Jorge Gonzalez stated that Commissioner Garcia will be invited to all meetings. Tim Hemstreet to handle.

- E Informational Report To The Mayor And City Commission, On All Existing City Contracts For Renewal Or Extensions In The Next 180 Days, Which By Their Terms Or Pursuant To Change Orders Exceed \$25,000.
(Procurement)

ACTION: Written report submitted.

4:57:00 p.m.

- F Status Report On Nightlife Industry Task Force ("NITE").
(City Manager's Office)

ACTION: Written report submitted. Verbal report given by Christina Cuervo, Steven Polisar and David Kelsey.

Jorge Gonzalez, City Manager, stated that it is to the advantage of the City to continue meeting with this group.

Commissioner Bower stated she is uncomfortable with the Committee using city staff, operating out of the Sunshine Law.

ACTION: Motion made by Commissioner Bower to extend the hours of operation for those clubs with existing City Occupational Licenses that have a 5:00 am liquor license to extend their hours of operation to 7:00 am on (Friday, December 28, 2001, Saturday, December 29, 2001, Sunday, December 30, 2001 and Monday, December 31, 2001), and to be allowed to serve alcohol. Any club, which will remain open, must notify the Police Department and Code Compliance by letter by Monday, December 17. If there are any problems during the weekend, this action may be rescinded by the Administration; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Al Childress and Chief DeLucca to handle.

Commission Steinberg added to the end of the motion "by the Administration."

City Clerk's Note: Membership: Ken Barrilich (Crobar Nightclub), Stuart Blumberg (Greater Miami and the Beaches Hotel Association), Anita Cachaldora (Tropigala), Ian Hendry (Clevelander Hotel), Roman Jones (Opium Garden), David Kelsey (South Beach Hotel & Restaurant Association), Noah Lazes (Level Nightclub), Eric Omares (Pearl Restaurant), Rodolphe Piper (BillBoard Live – Ocean Drive), Steve Polisar (Law Offices of Lubin & Polisar), Joanne Rabin (National Hotel), Alan Roth, Rumi Restaurant – Lincoln Road), Debora Sakin (China Grill), Gary Thoulouis (event broker), Dave Tornek (Touch), Michael Tronn (Promoter), Orlando Velasquez (Holiday Inn), Richard Trainor (Twist/Tery Jackowitch, Salvation).

- G Economic Stimulus Report.
(City Manager's Office)

ACTION: Written report submitted.

- H Public Hearings Before The Planning Board For The Regular Meeting Of December 4, 2001.
(Planning Department)

ACTION: Written report submitted.

- I Status Report on the Collins Park Cultural Center.
(City Manager's Office)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
November 28, 2001**

Chairman of the Board David Dermer	Present
Member of the Board Matti Herrera Bower	Present
Member of the Board Simon Cruz	Absent
Member of the Board Luis R. Garcia, Jr.	Present
Member of the Board Saul Gross	Present
Member of the Board Jose Smith	Present
Member of the Board Richard L. Steinberg	Present

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL
2. OLD BUSINESS

10:34:56 a.m.

- A Report of the Itemized Revenues and Expenditures of the Miami Beach Redevelopment Agency for the Month Ended September 30, 2001.
(Submitted Under Separate Cover)

Action: Written report submitted.

3. NEW BUSINESS

10:36:06 a.m.

- A A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Authorizing The Executive Director Or His Designee To Omit Any Remaining Work From The Construction Contract With Atlantic Civil, Inc. (ACI) (Contractor) For The South Pointe Streetscape Improvements - Phase I Construction (Project), And To Remove The Prosecution Of The Work From The Contractor Pursuant To The Authority Granted Within The Construction Contract; Further Ratifying The Waiver Of Formal Competitive Bidding (Relative To The Completion Of The Project) By The Mayor And City Commission; And, In Light Of A Potential Emergency In Portions Of The South Pointe Area, As A Result Of The Incomplete Nature Of The Project, Which Might Affect The Health, Safety And Welfare Of The City, Authorizing The Executive Director Or His Designee To Take Any And All Necessary Actions To Execute The Prosecution Of The Remaining Work; Further Authorizing The Chairman And Secretary To Execute Any And All Contracts, Purchase Orders And Change Orders, As Necessary, And At The Recommendation Of The Executive Director, Relative To The Purchase Of All Necessary Goods And Services Necessary For The Prosecution Of The Remaining Work For The Completion Of The Project, Provided That Such Contracts, Purchase Orders, Change Orders, And Other Documents Shall Be Substantially In Accordance With The Terms And Conditions Of The Current Construction Contract With ACI, And Shall Not Exceed The Current Amount Appropriated By The RDA For The Aforestated

Project, Without The Further Approval Of The Chairman And Members. **Joint City Commission and Redevelopment Agency**

Action: Item heard in conjunction with item R7C. Resolution No. 402-2001 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Tim Hemstreet to handle.

- B A Resolution Of The Chairman And The Members Of The Miami Beach Redevelopment Agency Setting The Redevelopment Agency Meeting Dates For The Year 2002. **Joint City Commission and Redevelopment Agency.**

Action: Item heard in conjunction with item R7D. Resolution No. 403- 2001 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Cruz. Christina Cuervo to handle.

Amendment:

Change the 2002 Commission meeting of May 1 to May 8; the meeting of May 22 to May 29, and June 12 to June 19.

City Clerk's Note:

The schedule for 2002 City Commission Meetings is as follows: January 9, January 30, February 20, March 20, April 10, May 8, May 29, June 19, July 10, July 31; **August City Commission in Recess – NO MEETINGS**; September 11, September 25, October 23, November 13 and December 11.

Meeting adjourned at 5:23:17 p.m.

End of RDA Agenda